Appendix XVI.

***Vide* Unstarred Question No. 49.**

List of Departmental Schools for Muslim girls.

1. Kottar Primary School in Agasteeswaram taluk.
2. Thiruvamcode Do. in Kalkulam taluk.
3. Perumathura Do. in Chirayinkil taluk.

Appendix XVII.

***Vide* Unstarred Question No. 49.**

List of persons selected for training in Forestry at Coimbatore in the year 1109, showing their qualifications and age.

(1) N. Sridharan Pillai, 26 years of age has put in 4 years' service in the Forest Department as Curator in charge of the Herbarium in the Conservator's Office. Has passed first in the Presidency in the Botany and Zoology Group in March 1927. Had taken active parts in Games while in the College.

(2) Cyriac Pothen, 23 years of age, Roman Catholic Christian. B. A. degree in Botany and Zoology Group besides being an all round sportsman. Had played games of all sort and was captain of sports of his College and had represented the College in several matches.

AMENDMENT OF STANDING ORDERS.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir I beg to submit the report of the Select Committee appointed to consider the amendment of Standing Orders of the Sri Mulam Assembly.

Only five amendments have been recommended by the Select Committee.

The first amendment is to Standing Order No. 5 (1). Standing Order No. 5 (1), as it stands, runs as follows:

"The Assembly shall ordinarily meet at eleven and terminate its sitting at 4·30 subject to the direction of the Dewan."

The Select Committee report suggests that, in the place of the words 'direction of the Dewan', the words 'decision of the Assembly' shall be substituted. There are certain occasions when the Assembly feels that it is absolutely necessary to continue its sittings some time longer in order to conclude the business taken up; and on some occasions, some of us have actually felt difficulty in finishing the business on the agenda on account of the meeting concluding exactly at the time prescribed by the rules. That is why the Select Committee has proposed the amendment that the time-limit for the sitting must be subject to the decision of the Assembly.

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The next amendment is for the substitution of '5 p. m.' for '4.30 p. m.' in the same Standing Order. As it is, the Assembly ordinarily sits only for about five hours, excluding lunch time, each day. We think that the sitting can conveniently be continued further. I suggested that '5.15 p. m.' be substituted for '4·30 p. m.'. But the Select Committee decided that the lunch interval may be reduced by fifteen minutes and that '5 p. m.' be substituted 'for 4·30 p. m.'

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I rise to a point of order. Paragraph 97, on page 35 of the Manual, says that the report of a Select Committee on a Bill can be presented to the Assembly by the member in charge, who shall, if he makes any remarks, confine himself to a brief statement of fact. Mr. Asan is now giving *reasons* as to why the changes have to be made. That is not a statement of fact.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): These are statements of facts with respect to what took place in the Select Committee and which prompted the Select Committee to effect the alterations.

PRESIDENT: What is most important in such matters is brevity. If you can be brief in your remarks, the Chair will be indulgent t you.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I want the House to understand the purport of the amendments.

The third amendment is with regard to the need for increase in the number of days allotted for non-official business. Our experience is that the number of days allotted for non-official business is inadequate to carry on the non-official business in the proper manner.

The fourth amendment is with regard to the mode in which questions are to be answered. It has been the experience of the non-official members of this House that much time is taken by the official members in giving oral answers to questions. It cannot be denied that answers to questions are got ready even some days before they actually come up before this House. The practice in the former Legislative Council was to get the answers also printed and placed on the table, along with the questions, fifteen minutes before each day's sitting commences. In the Madras Legislative Council, answers are placed about half an hour before the sitting commences. Sir, that saves public time and also enables the non-official members to put supplementary questions more effectively.

The last amendment is for the substitution of the word 'ten' for 'six' with regard to the balloting of resolutions. The point is that, if a larger number of resolutions are balloted, we will be in a position to choose the most important of them for discussion.

These are the amendments suggested by the Select Committee and I move that the amendments be taken up for consideration.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second the motion.

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PRESIDENT: I put the first amendment, namely, that, in Standing Order No. 5 (1), the words 'decision of the Assembly' be substituted for the words 'direction of the Dewan'.

MR. JOSEPH PAVJIKARAN (*Assistant Additional Head Sirkar Vakil*): I oppose the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Member Sri Chitra State Council*—*Additional Head Sirkar Vakil*): In support of the opposition, I wish to speak a few words. It will be seen that, under the Standing Order as it now stands, the sitting must commence ordinarily at eleven o' clock and must terminate ordinarily at half past four. But, if the Dewan so directs, the sitting might commence either earlier, say at ten o' clock, or later, say at twelve o' clock. Similarly, the sitting may also terminate, if the Dewan so directs, earlier than 4·30 p. m., say at 3 p. m., or later, say at 5 or 6 p. m. What is proposed by the amendments is that the Assembly must commence its sitting earlier or later, or terminate its sitting earlier or later, *according to the decision of the Assembly*. Sir, having regard to the constitution of our Legislature, I submit that this is wrong. I hope that it will be readily conceded that the decision of the Assembly means the view of the majority in the Assembly. It will also be conceded that that means that the view of the majority must prevail over that of the minority, so far as the decision of the House is concerned. It will also be realised that in a Chamber constituted as ours, Government is always in the minority. Sir, the responsibility for carrying on public business rests with the Government and their officers. Therefore, without meaning any disrespect to the House, I would suggest that the time of the sitting should not be left to the majority of the Assembly. In matters which are left to the decision of the majority, the minority has always to submit to the views of the majority. And since the responsibility for carrying on public business rests with the Government who, on account of the constitution of this House, form a minority here, the fixing of the time of sitting must not rest with the majority of the House. It is desirable that it is left to some outside authority.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the responsibility of carrying on public business does not rest as well with the majority of the non-official members of this House as with Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will come to that later on, if the member will remind me.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know who the outsider is?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am explaining that.

In the nature of the constitution of this Assembly, where the officials form a minority and have to submit themselves to the view of

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a non-official majority, it is only proper that the discretion should lie with an outside authority like the Dewan or the President of the Assembly. As I said, I do not mean any disrespect to the House. My only suggestion is that the minority must be given a hearing and must always have an opportunity to present their case and the majority should not be empowered to impose their views on the minority without the minority being given a chance to say what they have to say; that is why I suggest that the discretion must be left to some outside authority. In the constitution of this House, the Dewan happens to be *ex officio* President. Therefore, the Standing Order may be left as it is, so that the Dewan may exercise the discretion in the matter.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Does the member exclude even the Deputy President?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Certainly not; when he takes the Chair, he should be given the discretion in the matter.

PRESIDENT: Not merely the Deputy President; anybody who presides.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Thank you, Sir. That is so. The Deputy President or any one forming the panel of Chairmen must have the discretion in the matter, whenever such person occupies the Chair.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I ask whether the President is not a minority compared to the whole House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The President is the presiding authority and cannot be included as part of either the majority or the minority of the House. That is why I called the President an outside authority sitting in judgment and exercising discretion in such matters.

It may be of use to the House to be told in this connection the practice elsewhere. In the Indian Legislative Assembly, the Standing Order on this point says:

> "The meeting of the Assembly shall, subject to the direction of the President, ordinarily commence at 11 a. m."

It is left to the discretion of the President. Of course, there is a full-time non-official President there. But that does not alter the principle.

The following is the provision in the Madras Legislative Council:

> "While in session, the Council shall ordinarily sit at eleven o' clock."

There is no question of discretion at all. In regard to adjournment, this is the provision:

> "Any meeting of the Council may be adjourned by the person presiding."

This provision is really a Section of the Government of India Act. We see therefore that both in Madras and in the Indian Legislative

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[Mr. Kayalam Paramesvaran Pillai.]

Assembly the discretion in regard to the termination of a day's meeting is always left to the presiding authority, the President, the Deputy President or one among the panel of Chairmen, as the case may be. Here, the Dewan is *ex officio* President. That is why, under the Standing Orders, the discretion is left to him. Mr. Asan pointed out that difficulty has sometimes been felt in finishing non-official business on the agenda. Of course, in such cases the members have only to make a request to the Chair to continue the sitting for some time more and the Chair will certainly sympathise with the request. That is what is done elsewhere, in the Indian Legislative Assembly for instance. I shall read for the information of the House what the President of the Indian Legislative Assembly has stated in regard to the practice there. And that may very conveniently and rightly be copied by us.

This is what the President of the Indian Legislative Assembly said in the Assembly on the 15th February 1926 :—

> "The Chair takes this opportunity of explaining to the House the practice it has hitherto followed and proposes to follow hereafter in adjourning the House. On non-official days, the Chair endeavours, as far as possible, to accommodate the non-official Members and consult their convenience before adjourning. On official days, the Chair endeavours to treat the official Benches on the same principle. In the absence of any instructions from either side of the House on any particular day, the Chair uses its own discretion and adjourns the House at such hour as it considers proper, having regard to the state of business for that day. Generally speaking, the Chair is always anxious to consult the convenience of the House and shows its readiness to sit even very late hours irrespective of its personal convenience."

Sir, it would be seen that the remedy for the difficulty raised by Mr. Asan really lies in following the practice that is followed in the Indian Legislative Assembly and not to change the Standing Order. As I said, the basic principle of this practice that is followed in the Indian Legislative Assembly as well as here, is that it is left to an impartial authority like the Chair to determine how long the House should sit. It seems to me, Sir, that it is a right principle that we should not depart from. In that view, it is not proper that this amendment to the Standing Order proposed before the House should be passed by this House.

There is one word more, Sir, I want to say in regard to the merit of the amendment.

It says that, subject to the decision of the Assembly the House shall sit and rise at 11 and 4·30. How is this decision to be expressed and when? Suppose the House is sitting and the Assembly want that it should sit till 5 o'clock and they want to decide this say at 3 o'clock. How is that to be done? Is there going to be a motion that the House do sit till 5 o'clock? That is not mentioned in the amendment. If

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the House has to sit at 9 o'clock in the morning, how is the decision for that purpose to be determined? Should it be determined the previous day by a vote of the House or by some other means? It seems to me, Sir, that under the Standing Order as proposed it is impossible to judge of things. I do not know what Mr. Asan has at the back of his mind. But there is no provision for any vote being taken on a motion that the House do sit till 5 o'clock or 8 o'clock or that the House do adjourn now. That being so, it seems to me, Sir, that the amendment proposed is more or less impracticable.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there a provision for motions in general?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. I am saying that, so far as this amendment stands, it does not appear whether such a motion should be given before six days or six minutes or even six seconds before the motion is moved. I say this because Mr, Asan reminded me of motions in general. Does it mean that six days' notice should be given? If the House were sitting on Monday and in the middle of the business were to desire half an hour more, how is that desire to be expressed? Should such a motion be given six days' notice? So it is more or less impracticable. The time when that decision should be recorded is also not clear.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Has the President the right to waive that notice.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). Yes. He has. But that does not affect the real question. Sir, it seems to me that the amendment to the Standing Order is one that should not be accepted by this Chamber.

At this stage the President left the House and the Deputy President took the Chair.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, the question to be decided is whether the authority to fix the time when the Assembly should commence a sitting and when it should end has to be left to the Dewan as President or to the discretion of the House. I think it is in the interests of all that the Dewan as the President should be kept away from any delicate situation and the power should vest in the House. The Law Member pointed out the analogy of the Assemby. I may submit, Sir, with very great respect that there is a very real difference between the President of the Assembly and the Dewan who presides in this Assembly, in the fact that the President of the Legislative Assembly is an elected President and there is a provision—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): On a point of order; is a member after having seconded a motion still at liberty to support the motion by a second speech?

DEPUTY PRESIDENT: Mr. Kunjukrishna Pillai seconded the motion of Mr. Asan that the report of the Select Committee be taken into consideration. After that, this clause was put before the House, Mr. Kunjukrishna Pillai is now talking on this motion.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): According to the rules of the Legislative Assembly, the President includes the Deputy President or the Chairman for the time being of the Assembly.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): On a point of order, Sir. There was nobody to second the motion for the clause.

DEPUTY PRESIDENT: It is a belated objection, and the discussion has been going on. The members have been acquiescing in what was done and presumably there must have been a seconder. I was not in the Chair at the time, but considering that the Assembly had acquiesced in the proceedings I take it that it was duly seconded.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): There is a real difference between the President of the Indian Legislative Assembly and the Dewan who presides over this Assembly. And it would be well if the matter is left to the discretion of the House. Otherwise on particular matters the Chair, whose impartiality and whose dignity is so sacred to us the members of the Assembly and ought to be kept intact at any cost, will be placed in a delicate situation. I urge that reason as the paramount reason for divesting the Dewan who happens to be the President also and to free himself from a delicate situation which may arise and which may lead to certain misunderstandings at the back of our minds though we may not express them. To avoid all that, it is easy to find that the decision in such matters may very safely be left to the majority of this House.

Sir, the Law Member said that the Government is in a minority. Do the proceedings of this House or the decisions of this House from the very day on which the Assembly began its sitting up till now bear out that fact?

At this stage the President took the Chair.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*), Sir, Government were not serious when they raised the objection that Government are in a minority. They are not in a minority. Even now under the new Legislature it can be demonstrated by a perusal of the proceedings of this House. They have got the generous support of the vast majority of this House on all occasions whenever they wanted it. That cannot be denied by anybody, and we can never be accused of having been tyrannical to a minority. The record will show that there has not been the slightest attempt on the part of the majority to ride roughshod over the opinion of the minority. On the other hand, it will be found that we were solicitous, even unreasonably solicitous, to support the minority and to uphold it. So, that charge cannot be levelled against the majority of the members of this House and the proceedings of the House will warrant my statement. I think it can very safely be left, if we believe in the democratic ideal, to the majority of this House, especially in view of the fact that it would be a very delicate thing for the Dewan, who happens to preside, to exercise these powers of discretion. To safeguard the good opinion about the Chair and its impartiality and integrity, I think it is highly necessary that this power should be divested from him and vested in the Assembly.

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RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): May I know from the member what the procedure is for the expression of opinion of the House as to when the business on a certain day shall commence or end?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): There is the provision for ordinary notice which could very well on a fit occasion be waived by the Chair. That is a reserve power still existing in the Chair and it is the safeguard which is in the hands of the Chair to allow this thing to be decided by the House. That is all the more reason why this motion can be accepted.

MR. S. J. NAIR (*Nedumangad*): I support the motion of Mr. Asan that Standing Order 5 (1) shall be amended as stated by him, for the reason that the presence of the expression 'the direction of the Dewan' in the provision itself is not very clear and it may not be practicable always for the Dewan to direct, as the Dewan need not always preside and as the Deputy President or any one among the panel of Chairmen could preside over the session. Such being the case, the presence of the expression 'subject to the direction of the Dewan' is not clear and it would not work well so long as the provision, as it stands, is retained in the Standing Orders.

With regard to the charge levelled against the non-official members or rather the members on this side of the House by the Law Member that the official members who are in a minority may suffer from the tyranny of the majority, we can assure the official members of this House that we are not here to tyrannise over any one. On the other hand, we are to see that tyranny is removed if tyranny exists in the State in any shape, in any form or in any place, and we are here to co-operate with the official members and the Government so far and so long as the interests of the people of the State do not conflict with that of the policy of the Government.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, I rise to oppose the amendment. My reasons are the following, The procedure followed in the House of Commons is not applicable to the procedure in this House. There, as everybody knows, the work of the Government is conducted by a majority, whereas in Travancore the Government is not responsible to the Legislature except in perhaps a qualified foreign sense as opposed to a legal sense. The precedents of the House of Commons on a question like this are very delusive so far as the powers of this House are concerned, not that this House should not have enlarged powers but the question is whether under the Statute this House can exercise any such authority. I first raise a technical objection and I presume that it is an objection which will not be successfully met. The statute says that the presiding authority shall have the power to adjourn a meeting. It is the discretion of the President or the Deputy President or any member from the panel of Chairmen who presides. This House has no power to go against the provisions of the Statute.

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[Mr. T. K. Velu Pillai.]

Secondly, Sir, it was observed that the Dewan-President will be in a delicate situation to take the responsibility of deciding whether he should go on with the business of the House or adjourn. It now appears to my mind that when that gentleman becomes the Dewan of Travancore and the President of the Assembly he takes full responsibility for his act. If he believes a certain course is right, he must move accordingly. If he believes a certain course is wrong, he must act in conformity with that opinion. What is at the back of the member's mind is not a factor which he should take into consideration in deciding upon the question of law according to the rules in the Statute. So that, Sir, while recognising the warmth of the feeling, I appreciate some members when they say that they shall have larger rights. I am in favour of that being done. But at the same time, I must oppose any effort to whittle down the provisions of the statute, to understand the provisions in a different sense from which it is intended to operate and take away that power which His Highness the Maha Raja, when he signed the Sign Manual of the Regulation, has vouchsafed to the President or any, other person presiding.

MR. S. J. NAIR (*Nedumangad*): May I know whether this amendment is intended for the convenient transaction of business in the Assembly or for larger powers being conferred on the members of the Assembly?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I am talking of chalk and my friend is talking of cheese.

I have no complaint on that matter. I am relying on the sections of the statute and this House will never think of powers beyond those conferred by the statute. So that, Sir, whatever may be our desire to have more powers and I am second to none in that desire, I must oppose this amendment because it collides with the statute.

MR A. THANU PILLAI (*Trivandrum—Rural*): Am I to understand that it is *ultra vires*?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Certainly.

MR. K. R. ELENKATH (*Kalkulam I*): In that case, I want a ruling as to whether it can be discussed in this House.

PRESIDENT: He is arguing against the amendment; and while doing so, he thinks it impinges on the provisions in Regulation II of 1108. He is therefore perfectly right.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, let me submit that I am not much impressed by the argument of tyranny advanced by my friend Mr. Paramesvaran Pillai (*Hear, hear*). He says that the Government-members are in a minority in this House and the majority should not be allowed to tyrannise over the minority. If that position is well founded, it comes to this that the official members with the Dewan, who form the minority, may be allowed to tyrannise over the majority (*Hear, hear*). Therefore that is not a sound argument to

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oppose the amendment. Anyhow a change is desirable. I see my friend Mr. Paramesvaran Pillai is prepared to accept the change that instead of the word "Dewan" "whoever presides at the sitting" may be given the power to continue the sitting. There is a provision in the statute itself authorising the President to adjourn. If the President can adjourn the House, he may be trusted to continue its sittings. Section 10 dealing as it does with adjournment is not in our way. I am moving an amendment, therefore, upon the amendment of Mr. Asan to that effect.

As for the other question in Mr. Asan's motion, I must admit at once that there is something unworkable in regard to the commencement of the sitting of the House. How is that to be decided upon by a vote of the House before the House sits? That is the difficulty. It was pointed out that ordinarily a motion may be introduced for that. That can be done only if the President allows it. Again the authority goes into the hands of the President for the purpose of regulating the sitting and adjournment of the House. Even if you are going to pass this rule, the regulation of the sitting of the House will still be with the President, for, unless he relaxes the rule, nothing can be done.

Then my friend Mr. Paramesvaran Pillai said that the Dewan as an outside authority will be in a fairer position to decide the question than a majority of the House. Whether as a matter of fact the Dewan decides anything at all I do not know for he never takes into consideration the amount of non-official business that we have to go through. He consults officials. So I cannot think that there is anything like a decision of the Dewan for the arrangement of the sittings of the Assembly. Very probably, had there been a motion for continuing the sitting of the Assembly at the instance of the Assembly that would have been welcome. If, therefore, the amendment may be so modified as to extend the number of days at the instance of the House, that will be good. But I fear the statute may not permit anything of the sort. So I find considerable difficulty in the matter of accepting the amendment in its entirety, while I am for a change in the interests of the conduct of the business of the House. The change that it may be left to the President may be conveniently introduced. That is all I have to submit on this particular amendment.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I support the amendment; and in doing so I wish to submit that the amendment introduced by Mr. P. K. Narayana Pillai would obviate a good deal of difficulties.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Has any amendment been moved?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I suggested two amendments. *viz.*, that instead of the expression 'Dewan' occurring in the Standing Order, 'whoever presides or President' may be substituted. I would also say that any particular sitting of the Assembly may be extended on a motion carried in the House

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): The amendment so far disclosed to the House is, I think, the substitution of the word

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[Mr. E. V. Krishna Pillai]

'President' for the word 'Dewan' and it is that amendment that I support.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether by that amendment, the expression 'Deputy President' will also come in under the word 'President'?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): It is in that sense that I support the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I wish to know what is the amendment moved by Mr. P. K. Narayana Pillai.

PRESIDENT: For 'Dewan; substitute 'President' in the section.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): So, Sir, what I understand to be the amendment brought by Mr. P. K. Narayana Pillai to the amendment sought to be introduced by Mr. Asan, is the substitution of the word 'President' for the word 'Dewan'. Mr. Narayana Pillai promises to bring another amendment with which I am not concerned at present. Why I wish to support the amendment is that it obviates a good deal of difficulty as is evinced from the wording of sub-clauses (1) and (2) of Standing Order 5 because it is very likely that the Dewan might appoint that a particular meeting on a particular day might extend to 4·30 in the evening. But that particular individual who happens to preside over that meeting on that day might find it necessary to extend the sitting till 5·30 or 6·30 or 7·30 as the case may be. Strictly under the law as specified here, it is not within the authority of the President to do so in the face of the decision arrived at by the Dewan in regard to the sitting of the Assembly, because the meeting of the Assembly shall, subject to the direction of the Dewan, ordinarily commence at 11 and ordinarily terminate at 4·30. That is section 95. Suppose the Dewan issues an order that the meeting of the Assembly on a particular day should rise at 4·30 and that the individual who presides (may be Deputy President or anybody from the panel of Chairmen) finds it necessary or feels it feasible that the sitting of the House may be extended up to 7·30. Then the clash comes in between the authority of the Dewan as contemplated by the section and the decision of the President who is directly concerned with the working of the Assembly. So if the word 'Dewan' is removed and the word 'President' is put in, certainly that will facilitate the working of the Assembly in a better scale.

PRESIDENT: I think this is one of those cases in which the President should try and clarify the issues before House. There are, all will admit, certain functions of the Dewan for the purpose of bringing a session of the Assembly into being. That is to say, for summoning together its members on a particular day and at a particular time. Then what follows is when the House is in session the next item of work of the President, whoever happens to preside, is at what hour to adjourn the session each day in conformity with the bulk of work before the House. So, therefore, we have to view this question from both the stand-

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points; first summoning the House; secondly when the House is in session to adjourn it in conformity with the bulk of work before the House.

A good deal has been said in regard to the use of the word 'Dewan' in Section 5 of the Standing Orders. To my mind the framer of that Standing Order had to keep in view the wording of the Statute itself. In this Statute, as Honourable members will notice, Section 10, clause (1) reads—

> "Our Dewan may appoint such times and places for holding the sessions of either Chamber of the Legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions."

Therefore it is a peremptory direction in the Statute itself. Therefore, so far as the power of the Dewan is concerned, to summon the House to begin its work he has got the privilege of fixing the time and fixing the place and that he is bound to do under the Statute itself.

Then, when the House is in session, whether it should be given the right to adjourn the session to such time and to such places or to continue the discussion until such time as it pleases, that is a question again which has not been left to the independent judgment of the Dewan for, in the same Statute from which I am now quoting, we find that clause 2 says—

> "Any meeting of either of the Legislatures may be adjourned by the person presiding."

Therefore for the purpose of adjourning, the Statute vests the power in the person who happens to preside. It may be the Dewan President, it may be the Deputy President, it may be one among the panel of Chairmen or if all of them are absent it may be any member whom the House votes to preside. He has got the power to adjourn whenever he thinks. He is able to do it. When the rules are so very clear, we have to decide whether the Standing Order 5 (1) will operate in such a manner as to deprive the House of the right which is not provided in the Statute of summoning the House on any day at any time the Dewan chooses. As the Dewan, he has been given that right. Therefore when the Dewan summons the House, he does it on his own responssibility and in exercise of the powers that has been conferred upon him under Section 10 of the Statute. There it is said he should fix the place and the time at which the House must meet. Having done that he becomes one of the ordinary presiding members of the House. In so far as the adjournment motion is concerned, he has not been given any special powers for that purpose. Himself the Deputy President or some others will have to get that power. In view of the position, as it stands, the only question to be considered is whether this Standing Order has been wrongly worded as to conflict with the idea of the Statute or whether its working would in any way inconvenience the House. Well, as regards the latter, I would assure the House that no President with the responsibility for the conduct of the work before the House would be so indiscreet, I cannot use tyrannically as to consult with individual convenience and not to consult the exigency of work and that at a particular hour with a view either to take part in some

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[President.]

tennis party or some other game to adjourn the House, regardless of the conduct of the work before the House. If the House feels that it should get through any business before the House provided for the day, it is open for any member of the House to stand up in his place and suggest that the House shall continue to work until the measure has been passed or disposed of. If the President sees that there is a large volume of opinion in favour of continuing the session, he will ordinarily with due respect to the views of the House continue the session. Honourable members who are watching the proceedings of other Chambers would have noticed that, in the case of the Legislative Assembly, the House has sat until six or seven and even midnight in accordance with the necessity of the time and carried on its business till dinner. These are matters which require adjustments. The goodwill between the Chair and the members should not be tied down as in Standing Orders. As it is, the Standing Order is sufficiently clear. I think it my duty to clarify the position so that those members may know what the real position is.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : In view of that, does not the substitution of the word 'President' create difficulty ?

PRESIDENT : We have to follow Section 10.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : My point is that the Standing Order does not follow the Statute.

PRESIDENT : So far as the word 'Dewan' is concerned, it does not. So far as the others are concerned, it does. If the Standing Order is verbatim reproduction, there is no need for it. Then about the proviso which is contained in the Statute itself. It does not tie down the President or the Dewan. It simply says "ordinarily it shall begin at 11 o'clock and ordinarily it shall close at 5". But the other day we had an experience of as to how long we sat. Whether it was for a good purpose or bad, I am not going to say. At any rate, the President was quite willing to carry on the proceedings until such time as he thought it was necessary. If there is a similar necessity, arising from whatever parts of the House it may, with due respect to the views of the House, carry on the proceedings as long as is necessary.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Sir, I support the amendment moved by Mr. Asan. I am not in favour of any arguments advanced in this House which would have the tendency of curtailing the powers of this House or taking away whatever rights that are vested in the members by the Statute, the Rules and Standing Orders. Sir, it was pointed out that, in the Legislative Assembly as well as in other Councils, this matter is left to the discretion of the authority presiding.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Sir, I rise to a point of order. Is the House in order in discussing about the powers of the House which are given under the Statute ?

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PRESIDENT: Obviously not.

MR PACODE A. NARAYANA PILLAI (*Vilavankod*): I believe that we are now considering the amendment of a Standing Order as defined by the Statute. The main object of a Standing Order is to regulate the conduct of the House. That will be seen from Section 26 of the Regulation. It says :—

> "It shall be lawful for either Chamber of the Legislature to make from time to time Standing Orders for the conduct of business and the procedure to be followed in that Chamber in so far as these matters are not provided for by Rules made under this Regulation."

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Do not the words 'Standing Orders' mean Standing Orders framed in pursuance of the Regulation ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Certainly, Sir, in pursuance of the Regulation. The question before the House is whether this House has any power to amend the Standing Orders. If it is within the power of this House to effect an amendment of the Standing Orders, certainly there is provision in the Rules as to the way in which such amendments shall be effected. One of my friends objected to this on the ground that there is the Statute that stands in the way. My own submission is that, in the light of Section 26 in the Statute which in so many words authorises this House to effect an amendment in the Standing orders, there is no difficulty so far as the Statute is concerned.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Can the House amend a Standing Order in such a way as to affect the Statute ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Certainly not. No Standing Order can be amended in such a way as to conflict with the wording or the spirit of the Statute. But my submission is that this Standing Order that is now under discussion does not affect the Statute. So far as I have been able to read and understand Section 10 Clauses (1) and (2), my view is that the present amendment does not affect the Statute. Clause (1) relates to the power vested in the Dewan as the head of the administration to summon a session. Clause (2) says :—

> "Any meeting of either Chamber of the Legislature may be adjourned by the person presiding."

It may be the Dewan or the Deputy President or a member from the panel of Chairmen. Any one of them may be presiding. My submission is that the power is given only to the person who is presiding to adjourn the session.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Does not that authority who presides, either the President or the Deputy President or one among the panel of Chairmen, use a discretion in adjourning ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): My answer to that objection is that there is that discretion and we all know that the discretion will be used by the person presiding, whoever he may be, in the best interest of the conduct of the work of the House. But our experience—

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MR. T. K. VELU PILLAI (*Trivandrum—Urban*) : If the person presiding is to conform to the wishes of the House expressed in a majority of votes, can there be any objection ?

MR. PACODE A. NARAYANA PILLAI (*Vilavancod*) : My submission is this that if the House has got this power, no doubt, there is the discretion of the President also ; why not that power be given to the members of the House ? Of course we do not think that the discretion will be used by the President presiding against the interest of the members of the House or the conduct of its work. My submission is that this is a legislative body and it has got certain powers vested in it under the law. It is better that in a matter relating to the conduct of the work, the discretion be given, and the judgment be passed, by the House and not by a single individual even if he happens to be the best President that we can think of. It is a matter that has got to be decided by the House, the whole House or the majority of the members of the House exercising their discretion in a particular way. Of course, there will be the conflict of interest with regard to some particular kind of work. In some cases an adjournment may be effected without any difficulty.

MR. K. R. ELENKATH (*Kalkulam I*) : Even if this amendment is passed, will it be incumbent on the President to necessarily allow a short notice amendment ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Certainly not. That will not take away the power of the President under the Statute. That is another reason why I say there should not be any objection from any part of the House that the House should not be given this power, namely the power to decide as to how the conduct of business should be effected with reference to time. So I support the amendment.

PRESIDENT : The House will now rise and meet again at 1-45 P. M.

The House adjourned for lunch at 1 P. M., and re-assembled at 1.45 P. M., the Deputy President presiding.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Before we proceed, may I request the Chair, in view of the fact that we have very many important resolutions for discussion and in view of the fact that the amendments to Standing Orders may take up much time and that as a result the resolutions may not come up for discussion, under Section 10, clause 2, to exercise his discretion and extend the time up to 6 P. M. to-day or even later if necessary.

DEPUTY PRESIDENT : This is a matter which can be considered after we finish the present business.

MR. M. SIVATANU PILLAI (*Tovala*) : In opposing the motion, I wish I should not be misunderstood by the non-official section of the House for my opinions. At the outset, I may say that the Law Member's argument in opposing this motion, particularly with reference to the official section being in a minority and the non-official section in a majority is not at all convincing to this House. I do not

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understand why the Law Member should get so much scared away by the implication of this amendment which might, after all, be a question whether the House should sit longer for a discussion. I find absolutely nothing to take that argument seriouly. With regard to the practice obtaining elsewhere, I am prepared to follow it, but I would rather take my position on the question this way. I would like to know whether, after all, Mr. Asan has made out a case for an amendment of the sort that is proposed under Standing Order No. 5. In the course of debate, it was suggested by certain members that the amendment as its stands goes a great way to help the House to adjourn or to carry on its business. I would like to know whether there is any impediment that is sought to be removed by this amendment. The Law Member himself suggested it is open to the members to refer the matter under certain particular exigencies to the President, that is, whether the House is to sit for longer hours. It does not in any way override the inherent right of the House but it is open to it to make an appeal to the Dewan President. If such a course was resorted to and found impracticable, then I can understand Mr. Asan's motion. There has not been a single instance of that sort quoted by him as to justify his proposal to amend the Standing Order in that way. Whatever that may be, there must be a ripe occasion for the House to ask for such a course of action or to warrant an amendment as now proposed. No such case has been made out by the mover. Therefore I cannot persuade myself to see eye to eye with Mr. Asan's amendment. With these words, I oppose the amendment motion.

RAO SAHIB S. PARAMESWARA AIYAR (*Nominated*): I oppose the motion of Mr. Damodaran Asan, Section 10 (2) of the Regulation lays down that any meeting of either Chamber of the Legislature may be adjourned by the person presiding. Nothing is stated there about the opinion of the House which should be binding on the person presiding in the matter of adjournment. Standing Order 5 (1) lays down that while in session the meetings of the Assembly shall subject to the direction of the Dewan ordinarily commence at 11 A. M. and ordinarily terminate at 4-30 P. M. It seems to me, Sir, that this Standing Order is in conflict with Section 2 of the Legislative Reforms Regulation and as such requires amendment. The only amendment that is needed is that the word President be substituted for the word "Dewan" in the Standing Order as proposed by Mr. P. K. Narayana Pillai. If that amendment is carried, Section 5 (1) will be quite in accordance with Section 10 (2) of the Legislative Reforms Regulation. Far be it from me to suggest that this House should not have enlarged powers. The procedure for that is to have the Legislative Reforms Regulation amended which is in the gift of the sovereign. I do not wish to refer to that. So far as we are concerned, all that we can do is to see that the Standing Order 5 (1) is amended in accordance with the provisions or in pursuance of the spirit of Section 10 (2) of the Legislative Reforms Regulation and in that view I support Mr. P. K. Narayana Pillai's proposal.

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MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : Sir, I rise to oppose the amendment of Mr. Asan. My first point is that this amendment is out of order. It will be seen that the amendment covers two matters, namely, the time of commencement of a meeting and the time of adjournment thereof. As regards the adjournment of a sitting, there is a clear provision in the Statute itself to the effect that it is within the direction of the President to adjourn it. If this Standing Order is amended as proposed by Mr. Asan, it will take away the discretion vested in the President by the Statute in this matter and to this extent it will be *ultra vires*. In regard to the other matter *viz.*, the time of commencement of a meeting of the Assembly, it cannot be said that the question is free from doubt. The amendment proposed does not take away any discretion vested in the President in this matter. For, in Standing Order 5 (1) the words "while in session" do not refer to the summoning of a session. Whatever it is, a portion of the amendment being certainly in conflict with the Statute, the amendment cannot be said to be in consonance with the provisions of the Statute. So the amendment is out of order.

My second point is that practical difficulties will be felt if the amendment is adopted. Mr. Kayalam Paramesvaran Pillai, who opposed the motion, put it on the ground that there is no definite provision under which a motion for recording the decision of the Assembly can be moved. Even supposing there were any such provision, there will be practical difficulties in the way. Supposing we had power to move a motion of this nature for recording the decision of the Assembly, how is the decision to be recorded? When is it to be recorded? All these questions will arise. For instance a member may move a motion at 2 P. M. to record the decision of the Assembly. If the motion is defeated, it will be open to another member to move a similar motion after some time and so on and so forth. Such a state of affairs will create practical difficulties. On these grounds, I oppose the amendment proposed by Mr. Asan.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : As I had no occasion to speak on this particular amendment, I was not able to give instances that my friend Mr. Sivatanu Pillai wanted. I shall presently show the reasons for suggesting this amendment. Sir, first of all what I say is I do not find any difficulty in introducing this amendment on the ground that that is against the provision in the Statute. Section 10 (2) of the Legislative Reforms Regulation says that the person presiding shall adjourn the meeting. But Standing Order 5 (1) says that the meeting shall ordinarily commence at 11 A. M. and terminate at 4-30 P. M. subject to the direction of the Dewan. Even as it is, the Standing Order will be *ultra vires* if the argument of those who have opposed it is to be accepted. If the right to adjourn vests in the person presiding, how is it that the Standing Order 5 (1) says that the adjournment shall be subject to the direction of the Dewan. So if that argument is to be accepted, then the present Standing Order is *ultra vires*. If it is *ultra vires*, it is void. If the Standing Order itself is void, nobody.

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need fear my amendment is valid. Because it is an amendment to a void clause.

MR. M. SIVATANU PILLAI (*Tovala*): Am I to understand from the member that 'sitting' is not different from adjournment of the House?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): A sitting will terminate only by adjournment. Supposing even after 4:30 the meeting continues and a member moves an adjournment. Then only, the sitting terminates. That is what I understand. Sir, I have looked into the procedure of other Provincial Councils and what I understand is this. The President as the presiding authority may have the right to adjourn the business under certain abnormal conditions. There may be grave disorder in the House. Even though Rules say that the meeting shall continue up to 6 or 7, the President is bound to adjourn sometimes on account of disorder and even to avoid a breach of the peace. On such occasions, the President will be compelled to adjourn it and so some residual power must rest in the President. But the President is bound by the Standing Orders of the Assembly. Suppose the Dewan from Bhaktivilas directs that the House shall adjourn at 1 or 2 o' clock under Standing Order 5 (1), I am asking whether the President is not bound to adjourn it. The person presiding could not say that under Section 10 (2) he has a right to continue the sitting as long as it pleases him. My submission is, the present wording of the Standing Order itselfs shows that that objection is not substantial. My only object is that the power that is now vested—

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I ask whether there is not a conflict between the provisions of the Statute and those of the Standing Orders?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): In this case, as I submitted, there is no conflict between the Statute and the Standing Order. The Standing Order provides for the usual occasions, while the Statute reserves a right to the person presiding to be used on abnormal occasions. What I say is that the Standing Order as it stands should be amended by us and it does not rest with the Law Member or the framers of the Standing Order to say that the present amendment is *ultra vires*. Then the question is, is the House competent to amend the Standing Order and if so whether there is any necessity to do it.

Well, Sir, I have felt such a need on many occasions. I shall point out instances as required by Mr. Sivatanu Pillai. Though the Namboodiri Regulation was introduced in the Council immediately after the election of 1100, the member who moved it was not able to see that the Bill is passed into law, during the period of his membership. So another member took up the responsibility of piloting it in the next Council and about four and a half years after its introduction it came up for second reading. At one meeting all the clauses except one clause were passed by the Council and it was 5 P. M. and the mover said that it was an important piece of legislation and some extra time say 15 minutes, if allowed, will enable the House to pass that legislation. He

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pointed out that otherwise the passing of the Namboodiri Bill will stand postponed to a considerable period. Therefore the mover of the Bill requested that the House may sit for some extra time. It was the Dewan-President who presided on that occasion. He replied that there is no guarantee that it will be passed in 15 minutes and the House was adjourned by the Dewan-President. With what result? The legislature was working at it for above five years and the benefit of that piece of legislation was denied to the Namboodiri community for another six months.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I know from the member, if the present Standing Order was then in force?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, almost the same.

DEPUTY PRESIDENT: I fear we are travelling far from the implication of the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Because Mr. Sivatanu Pillai wanted an instance, I was citing this.

DEPUTY PRESIDENT When I say, we are travelling far beyond the limit, there should be an end of the matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): In the old Legislative Council for voting on the Budget we were getting 5 hours on one day for the discussion of one Demand. Because 5 hours were granted as one full day, half a day was calculated as two and a half hours. Since the question time takes one full hour and the lunch interval three-fourths of an hour, the time that is now usually obtained for the purpose of discussing demands on grants is three and three-fourth hours for a day. It was pointed out that in the old Council we were getting two and a half hours for half a day. The President was requested to sit for some time more to do justice to the work entrusted to us. Now we have an Assembly consisting of 72 members while the old Council had only 50 members.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): With reference to Mr. Asan's instance, may I know whether that defect will be remedied if the amendment is passed?

MR. A. S DAMODARAN ASAN (*Mavelikara*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then may I know how he will make the motion without notice?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If the member will please wait, I shall explain.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether one member could address another directly?

DEPUTY PRESIDENT: He has done that through me.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): So we appealed to the Chair to extend the time of the sitting during the period of voting on demands by half an hour or three-fourths of an hour, and that appeal

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had not any effect. There are some of the instances in which we felt that we are not able to do full justice to the work. The time allotted is limited and the Chair was not showing that indulgence which we expected from it and which is usually shown by the Presidents of all other Legislative Councils.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is quite improper for the member to make insinuations on, the dignity of the Chair.

DEPUTY PRESIDENT : I think the Law Member is absolutely right. The Chair did not want to express an opinion until it was formally put before the House. The Chair has given his ruling on particular points on various occasions. If subsequently any member raises this question and adversely comments on the Chair's rulings and the Chair's decisions, the dignity of the House and its usefulness will be very greatly impaired. I therefore trust that the members will not hereafter try to do that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : By referring to these I was showing the conduct of the Dewan by applying Section 5 (1).

DEPUTY PRESIDENT : Anyhow there is the ruling.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Then the question now is whether there is a necessity to bring in this amendment, if this amendment is put into effect, whether it is workable and whether it would be of sufficient help to get an extension of time. The Law Member was saying that there was no particular provision for making motions for extending the time. But under the Legislative Reforms Regulation, Section 62, it is stated that a matter requiring the decision of the Assembly shall be brought up by means of a question put by the President on a motion by a member. Save as otherwise provided for..... ....."The Law Member is qute right when he says that there is no particular Section which would enable a member to move a motion for this particular purpose. A necessity like that comes into existence only now. But there is that general provision. If the Chair finds that a motion should be allowed without sufficient notice, there is absolutely no difficulty in the way of any member who wants to make a motion for this purpose at any time. If the Chair rules otherwise, of course there is no remedy. We hope that no necessity will arise by which the Chair will refuse to consider or to ascertain the views of the House on a matter like this. If that contingency arises and there are no ways, it is open to get amendments to other Standing Orders.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Supposing the President is not inclined to adjourn the House or waive the notice ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Surely the President will be reluctant to extend the sitting of the House of his own accord. But he will be glad to waive notice and see whether the House really wants to extend the time of the House. So, what I suggest is, it is our hope that the President will not refuse to waive notice and allow us to

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[Mr. A. S. Damodaran Asan.]

make the motion. If we find any difficulty with regard to that matter, we can make amendments to the Standing Orders and see that motions for such purposes are admitted even without notice.

Then it was stated that, in the Legislative Assembly and other places, the sitting used to continue till midnight. What I have to say is that that is not the case here. Of course, in the Reformed Council of 1097 during the time of Mr Raghaviah, the sittings used to continue till 7-30 P. M. in cases of emergency. Subsequent to that, there were only one or two occasions on which the sittings continued after the usual hour.

DEPUTY PRESIDENT: We did sit for longer hours yesterday.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): That is why I said that there were one or two occasions.

As to the objections raised by the Law Member, I must really say that I was not prepared to hear such arguments advanced by him against the motion. What he fears is that the Government members being a small minority there will be no—

DEPUTY PRESIDENT: I am very reluctant to do what I am doing. But I am obliged to do so. Mr. Asan was saying just now that he is not prepared to hear the arguments advanced by the Law Member. If so, how can he answer or criticise the arguments?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): All that I said was I was so sorry that it came to me as a surprise and not that I would not hear it. What the Law Member said was that it would lead to a difficulty of a minority being tyrannised by a majority. Sir, His Gracious Highness the Maha Raja, when he enacted this Legislation, knew full well that there are only 10 officials and there are 62 non-officials elected and nominated. The reason why he gave such a large preponderating majority to the non-officials is the fact that the Government must be able to so conduct the business of the Assembly and Council as to enlist the support and sympathy of the non-officials. If the Government members are unable to do that, my point is that they are not competent to hold the position that they hold now. It cannot be said that the Government members are unable to persuade the non-official members to their view-point. That is their duty. Sir, it is the rule of the majority that we follow here. Otherwise all the resolutions that have been passed must be turned over the other way. Similar is the case in regard to legislation. This argument of the Law Member is the most untenable agreement I have ever heard.

Then it was stated that the discretion will be better exercised if the authority was vested in the Dewan-President. If that argument is accepted, this Assembly will stand self-condemned. Sir, is this Assembly going to condemn itself by saying that the decisions arrived at by the representatives of the people will be partial

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or will be in any way against the interests of the country and that the judgment of a single individual like the Dewan will be more acceptable ? Of course, we cannot accept that argument. I must at the same time say that it should not have been seriously put forward in this Assembly. My submission is that it is absolutely necessary to enable members of this House to carry out their duties to the satisfaction of the public that they must have power to extend the time if they feel that the public interests demand it. I am sure this House will not be carried away by the arguments of the Law member, and all the non-officials and officials will unanimously support the amendment that is now proposed.

DEPUTY PRESIDENT : I do not think it is fair either for Mr. Asan or anybody to say that the House should not be carried away by any gentleman's arguments. A member is at full liberty to express his views and it is for the others to draw inferences of their own.

MR. N. E. VARUGHESE (*Tiruvalla I*): I move that the question be now put.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : As mover of an amendment, am I not entitled to a voice ?

DEPUTY PRESIDENT : Have you formally moved any amendment?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Yes ; and Mr. E. V. Krishna Pillai supported it also. I suggested that the word 'President' be substituted for the expression 'decision of the Assembly'. If necessary, I shall now put it down on paper.

DEPUTY PRESIDENT : There is no use in your putting it down on paper and moving it formally *now*. We are not *now* concerned with future amendments. The question now is whether there is any amendment before the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : No 'future' amendment, Sir. I have already placed it before the House, and it has been supported by Mr. E. V. Krishna Pillai.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : So far as we are aware there is only one amendment before the House ; and there is a closure motion with respect to that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I have moved an amendment to that amendment before the House. I am not very particular if the House does not want it, Sir.

DEPUTY PRESIDENT : I learn that there is no formal amendment before the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I suggested an amendment to the amendment in view of certain pre-existing provisions in the Rules and Regulations. I thought the word 'President' would be more in keeping with the rest of the Rules and Standing Orders. I suggested that amendment and Mr. E. V. Krishna Pillai actually said he was supporting me.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If you will permit me, Sir, I would suggest the deletion of the expression 'and ordinarily terminate at 4-30 P. M.'; because it has been urged here that there is some conflict between this provision and the provision in the Regulation in regard to adjournment. Without going into the merits of the other amendments, Government are prepared to accept that amendment for the deletion of the expression 'and ordinarily terminate at 4-30 p. m.', so that the provision in the Regulation will prevail in the matter of adjournment. The Regulation provides that 'any meeting of either Chamber may be adjourned by the person presiding'.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): What about my amendment to substitute the word 'President' in the place of 'decision of the Assembly' in Mr. Asan's amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There will be some difficulty in regard to that.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know what is taking place in the House, Sir?

DEPUTY PRESIDENT: Let me hear the Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): With regard to Mr. P. K. Narayana Pillai's amendment, it cannot be accepted; because, the person presiding can do anything only after the commencement of the meeting. Who is to decide when the sitting should commence? Certainly, that has to be done by the Dewan.

DEPUTY PRESIDENT: The only question now before the House is whether there is any amendment, now before the House, proposed by Mr. P. K. Narayana Pillai. The Law Member has expressed the willingness of Government to accept a certain amendment but that is not identical with the one suggested by Mr. P. K. Narayana Pillai. The readiness of Government to accept any other amendment does not now concern us. What we are now concerned with is whether there is a formal amendment put before the House by Mr. P. K. Narayana Pillai. It is on that question that I wanted enlightenment by the officials, the functionaries who have got the duty of taking down what is taking place here. Though I heard Mr. P. K. Narayana Pillai suggesting some alteration in Mr. Asan's amendment, and some other members also speaking of what they called Mr. P. K. Narayana Pillai's amendment, I am not quite sure that there has been a formal amendment, moved by Mr. P. K. Narayana Pillai and put before the House. Mr. P. K. Narayana Pillai himself has conceded that there is no formal amendment but that he would now put one on paper if the Chair would permit him. That makes the position of the Chair very easy. The Chair is not prepared to accommodate Mr. P. K. Narayana Pillai (*Laughter*). I shall now put the motion for closure to the vote of the House.

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The closure motion was put to vote and carried.

The amendment as reported by the Select Committee was then put to vote and lost.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll.

A poll was taken, and the House divided as follows:

AYES—25.

1	Mr. P. Chidambaram Pillai	14	Mr. M. N. Nair
2	,, A. S. Damodaran Asan	15	,, K. A. Narayana Pillai
3	,, A. Easwara Pillai (*Kottarakara*)	16	,, Pacode A. Narayana Pillai
4	,, K. R. Elenkath	17	,, S. Nilakanta Pillai
5	,, S. J. Nair	18	,, Edavanatt S. Padmanabha Menon
6	,, K. P. Krishna Menon	19	,, Kainikkara M. Padmanabha Pillai
7	,, Pottayil S. Krishna Panickar	20	,, V. Ramakrishna Panickar
8	,, N. K. Krishna Pillai	21	,, R. Raman Pillai
9	,, Puthupalli S. Krishna Pillai	22	,, A. Thanu Pillai
10	,, T. Krishna Pillai	23	,, N. E. Varughese
11	,, K. Kunjukrishna Pillai	24	,, V. K. Velappan Nair
12	,, C. V. Kunjuraman	25	,, T. P. Velayudhan Pillai
13	,, M. K. Madhavan Pillai		

NOES—33

1	Mr. N. Abdur Rahiman Sahib	18	Mr. C. O. Madhavan
2	,, K. C. Abraham	19	,, K. Madhavan
3	,, T. K. Alexander	20	,, K. Mahomed
4	,, V. T. Chacko	21	,, P. C. Narayanan Bhattatiripad
5	,, S. Chattanatha Karayalar	22	Srimathi T. Narayani Amma
6	,, A. Easwara Pillai (*Kalkulam II*)	23	Mr. G. Nilakantan
7	,, Antony George	24	,, R. Nilakanta Pillai
8	,, K. George	25	,, N. K. Padmanabha Pillai
9	Miss. Hepzibah Gnanasikamony	26	Rao Sahib S. Parameswara Aiyar
10	Mr. M. Mahomed Haneef	27	Mr. Joseph Panjikaran
11	,, T. S. Jayantan Nambootiri	28	Rao Bahadur N. Ramanuja Aiyangar
12	,, N. John Joseph	29	Mr. K. Sankaran
13	,, J. M. Joseph	30	,, M. Sivatanu Pillai
14	,, K. C. Karunakaran	31	,, R. M Statham
15	,, T. T. Kesavan Sastri	32	,, T. C. Thommen
16	,, K. M. Krishnan	33	,, G. B. E. Truscott
17	Rao Sahib Dr. N. Kunjan Pillai		

NEUTRALS—6

1	Mr. T. C. Joseph	4	Mr. K. Padmanabhan
2	,, K. M. Kuriakose	5	,, S. Thiraviam Nadar
3	,, P. K. Narayana Pillai	6	,, P. K. Thomas

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The amendment was lost.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): There s an amendment by the Law Member.

DEPUTY PRESIDENT: No, there is no such amendment. The next amendment is for the substitution of '5 P. M.' for '4-30 P. M'.

MR. JOSEPH PANJIKARAN (*Assistant Additional Head Sirkar Vakil*): I oppose the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, in support of the opposition—

MR. A. S. DAMODARAN ASAN (*Mavelikara*): On a point of order, whether a person who is not a member of this House can support a motion or an opposition. The Law Member can only now address the House.

DEPUTY PRESIDENT: So far as I can see, the word 'support' as now used by the Law Member, only means 'strengthen' that part of the case and as an officer of Government, Mr. Paramesvaran Pillai can adress the House although he cannot vote. That is the law.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, as the Standing Order now stands, the House has to sit, ordinarily, till 4-30 P. M. I would request the House to consider whether it is ordinarily possible for human beings to sit at a stretch from 11 A. M. to 5 P. M., and that for consecutive days at a stretch. It is a question of the powers of human endurance. Of course, in exceptional cases, the House may appeal to the Chair and sit beyond 4-30 or even 5 P. M. But, ordinarily, I submit the meeting must terminate at 4-30 P. M.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I wish to speak just a few words in support of the amendment. The only difficulty appears to be the limitations of human endurance, and my opinion is that we must practise and try to work a little longer, Sir, the Parliament usually meets at a quarter to 3 P. M. and goes on till 11 o' clock at night, *i. e.*, for more than eight hours at a stretch every day, and even longer if deemed necessary.

DEPUTY PRESIDENT: I do not catch your meaning of the word 'Parliament'. do you mean the House of Parliament ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, Sir, the House of Commons; sometimes they even sit till day break. Their Ministers do not say that they could not sit longer than five or six hours.

MR. M. SIVATANU PILLAI (*Tovala*): Is there no difference between the climate in that country and in this country ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, that is what I say, the climate is different, the people are different and the officers are different. (*Laughter*)

MR. K. R. ELENKATH (*Kalkulam I*): I do not wish to add many words in supporting the motion of Mr. Asan. By the amendment proposed by the Select Committee, hardly three-quarters of an hour is

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sought to be gained for our work here, and that at the sacrifice of fifteen minutes of the lunch time. I do not see why the Law Member should grudge this. I hold that there is no substance in the opposition. I therefore strongly appeal to the House to vote for the amendment.

The amendment was put to vote and carried.

DEPUTY PRESIDENT: The next amendment is:—

'At the end of Standing Order No. 6 (1), add the following:

"But the number of days for the business of non-official members shall be increased by the Dewan if the Assembly is of opinion that the time allotted for such business is insufficient."

MR. JOSEPH PANJIKARAN (*Assistant Additional Head Sirkar Vakil*): I oppose the amendment,

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I wish to speak a few words in support of the opposition. Here it is not a question of human endurance. A much greater principle is involved in the amendment. As the Standing Order now stands, it is the Dewan who, after taking into consideration the state of business of the Assembly, has to allot the days for official business and non-official business. The House will not be in a proper position to appreciate the quantity or the nature of the business that may come in for consideration before the Assembly. I say, with all respect to the judgment of the House, that the House will not be in a proper position to judge how many days should be allotted for non-official business. In every Assembly that is constituted on our model, it is really left to the Government or an impartial authority like the Dewan, the Governor or the Governor-General, who is conversant with the business of the Government, to allot the number of days for official as well as non-official business. It must be conceded that that is the only workable arrangement so far as assemblies constituted on our model are concerned. Any other arrangement will work either injustice or may seem to be impracticable. For instance, if the Assembly is asked to decide the number of days to be allotted for non-official business, how is the Assembly in a position to judge of this and decide what number of days can be allotted for non-official business? Therefore, on a question of principle, it seems to me that the power of allotting the number of days for official as well as non-official business must be left to the Dewan even as it is left to the Governor-General in the Government of India and to the Governors in the Provinces. I shall not take much more time on this aspect of the question.

The Standing Order is to be amended so that the number of days for the business of the non-official members shall be increased by the Dewan if the Assembly is of opinion that the time allotted for such business is insufficient. Here again I ask the question how is the Assembly going to express its opinion when the Dewan is going to allot the number of days, and in what manner is it going to express its opinion? There is nothing to show it in the amendment. As for a decision, it may be pointed out that a decision can be arrived at on a question put from the Chair. But it is not stated how "opinion" is to be ascertained on any

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[Mr. Kayalam Paramesvaran Pillai,]

matter. That apart, I will also say that this amendment practically defeats itself. It merely says that the number of days for the business of non-official members shall be increased. Increased by how much it does not say. Is it enough if it is increased by one hour or by one day? It really says that the number of days shall be increased by the Dewan if the Assembly is of opinion that the time allotted is insufficient. Really what the mover of the amendment has at the back of his mind is that, to the extent of the number of days the Assembly wants to sit, it should be increased by the Dewan. But this is not found in the amendment. So I am submitting for the consideration of the House whether it is worth while to accept this amendment which really does not say how and when the opinion has to be expressed and to what extent the number of days is to be increased by the Dewan.

I may also say that it may work difficulties in its actual working. For instance, the Council is sitting to-morrow and if the Assembly's sitting is to be extended by one day, the question will be whether the Council should be postponed or the Assembly should meet after the Council is over. That is also another aspect of the matter to be considered. In all these things, the best course will be for the leaders of the various parties to meet the Dewan sufficiently early, discuss the matter with him and ask him to allot a larger number of days.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) In regard to this amendment three objections have been raised by the learned Law Member. One is that the state of business is known only to the Dewan and that the House itself does not know the quantity of business that has to be transacted here and so it will not be in a position to fix the number of days that should be allotted for non-official business. Sir, the agenda for the meeting is sent to the members sufficiently early, particularly the agenda of the legislative business. The non-official members, from the notices issued to them, could see how many days are allotted for the business of the non-official members. From these, they could ascertain whether the number of days allotted is sufficient or insufficient. If any of them feels that it is insufficient, he can immediately send a motion to the Secretary that the number of days should be increased. That motion could be taken up and discussed in this Assembly and a decision arrived at. There is absolutely no difficulty either in ascertaining the quantity of business that has to be transacted or as to the manner in which the opinion of the Assembly is to be ascertained.

The Law Member thinks that the amendment does not say by how many days it should be increased. Anyhow, if the Assembly is of opinion that it should hold three more sittings for its business, of course that will be intimated to the Dewan and a Dewan, who is responsive to public opinion and who is anxious to meet the opinion of the Assembly, will always be ready to extend the number of days as recommended by the Assembly.

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Another serious contention raised by the Law Member was that the Council is going to sit to-morrow and if the Assembly's sitting is to be extended for to-morrow there will be difficulties by the overlapping of the two meetings. If this amendment comes into force and if the Government are sufficiently cautious in making their arrangements, they will not fix a day immediately following the last date of the Assembly's sitting for the sitting of the Council. On the other hand, they will see that a margin is left for allowing the Assembly to extend its sitting according to the wishes of the House. So there will not be that difficulty either.

We are really feeling very great difficulty because Government are not allowing sufficient number of days for transacting non-official business. In this year itself we have got only two days so far and probably we may be given another day in the budget session also. Altogether only three days are allotted during one year for transacting the business of the non-official members. Anybody would admit that this is quite inadequate to meet the needs of the non-official members. A number of Bills have been introduced on the non-official side and a number of other Bills will also be introduced if they get sufficient time. Very important resolutions which have to be discussed and on which decisions have to be arrived at by this House are sent by the members and we are unable to discuss those resolutions. Resolutions which have been ballotted for the last meeting are standing over for this meeting and we may not be able to finish even these resolutions At a meeting of the members of the Assembly and of the Council, it was decided that ten resolutions concerning the interests of the whole State must be brought up and discussed at this sitting of the Assembly. By ballotting we can take only six resolutions; and even with regard to these six resolutions I fear we may not be able to take a single resolution if the non-official members are given no voice in fixing the number of days. Anyhow, it is only a legitimate demand and I hope there will be unanimity, at least in this respect, on this side of the House.

MR. P. K. NARAYANA PILLAI (*Amlalapuzha I*): I quite agree with Mr. Asan's motion in this respect. We certainly feel that the number of days allotted for the transaction of non-official business is quite inadequate. This sort of allotting one day was a practice which was in vogue during the days of the superseded Council. Then, the number of non-official members was very much less. We have got now 62 non-official members and it is quite legitimate to expect that each member will have something by way of resolution or legislation to be brought up before the House. For the transaction of such business to say that a single day is sufficient is certainly niggardly.

It was said that the Dewan after looking into all this volume of business to be transacted by the House will fix the number of days judiciously. It is not possible. If it is possible for the Dewan to arrive at a decision in view of the business to be transacted, the Dewan would have seen the insufficiency of the days allotted for the transaction of non-official business. The very fact that *one* day is fixed by the Dewan for the

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[Mr. P. K. Narayana Pillai.]

transaction of non-official business is itself indicative of the fact that the Dewan foresees nothing. How is it possible for the Dewan to make an estimate? He fixes the date for the commencement of the meeting of the Assembly as also the date on which it would terminate. Because the Statute says that non-official business also should be attended to, one day as a sort of grace is allowed for it. That is what he is able to do. He does not decide anything because he has no idea of the volume of business at the ensuing session of the Assembly. That comes into view only subsequently. The resolutions, the introduction of Bills, and so forth would come in only after ascertaining the day on which the Assembly would begin to sit. Therefore, it is only after the Dewan has fixed the days for the sitting of the House that the non-official business would be known. In such a case there is no meaning in contending that the Dewan settles the number of days keeping in view the non-official work.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) With the permission of the Chair, may I know from the member whether the Standing Orders contemplate that the Dewan should consider the state of *non-official* business before he fixes the number of days for a sitting of the Assembly?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*). Yes. At present the matter is left to the Dewan.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I wish to know whether a non-member can be allowed to put a question when a member speaks

DEPUTY PRESIDENT: He is not a member of the House and he comes here subject to the disabilities of a non-member. The Law Member can address the House but he cannot do anything more.

MR. P.K. NARAYANA PILAAI (*Ambalapuzha I*); I am sorry I answered his question under the impression that he is still a member though under suspended animation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I put the question with the permission of the Chair.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I say it is only fair and legitimate that the number of days for the non-official business should be increased. To what extent it may be increased is a matter which we may leave to the good sense of the President or the Dewan, as the case may be.

DEPUTY PRESIDENT: The amendment before the House is:—

'At the end of Standing Order No. 6 (1), add the following:

"But the number of days for the business of non-official members shall be increased by the Dewan if the Assembly is of opinion that the time allotted for such business is insufficient."

The amendment was put to the vote of the House and carried.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I demand a poll.

A poll was taken with the following result.

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AYES—55.

1. Mr. N. Abdur Rahiman Sahib
2. ,, K. C. Abraham
3. ,, T. K. Alexander
4. ,, V. T Chacko
5. ,, S. Chattanatha Karayalar
6. ,, P. Chidambaram Pillai
7. ,, A. S. Damodaran Asan
8. ,, A. Easwara Pillai (*Kalkulam II*)
9. ,, A. Easwara Pillai (*Kottarakara*)
10. ,, K. R. Elenkath
11. ,, Antony George
12. Miss Hepzibah Gnanasikamony
13. Mr. M. Mahomed Haneef
14. ,, S. J. Nair
15. ,, T. S. Jayantan Nambootiri
16. ,, N. John Joseph
17. ,, J. M. Joseph
18. ,, T. C. Joseph
19. ,, K. C. Karunakaran
20. ,, T. T. Kesavan Sastri
21. ,, K. M. Krishnan
22. ,, K. P. Krishna Menon
23. ,, Pottayil S. Krishna Panickar
24. ,, N. K. Krishna Pillai
25. ,, Puthupalli S. Krishna Pillai
26. ,, T. Krishna Pillai
27. ,, K. Kunjukrishna Pillai
28. ,, C. V. Kunjuraman
29. Mr. K M. Kuriakose
30. ,, K. Madhavan
31. ,, M. K. Madhavan Pillai
32. ,, K. Mahomed
33. ,, M. N. Nair
34. ,, P. C. Narayana Bhattatiripad
35. ,, K. A. Narayana Pillai
36. ,, Pacode A. Narayana Pillai
37. ,, P. K. Narayana Pillai
38. Srimati T. Narayani Amma
39. Mr. G. Nilakantan
40. ,, S. Nilakanta Pillai
41. ,, K. Padmanabhan
42. ,, Edavanatt S. Padmanabha Menon
43. ,, Kainikkara M. Padmanabha Pillai
44. Rao Sahib S. Parameswara Aiyar
45. Mr. V. Ramakrishna Panickar
46. ,, R. Raman Pillai
47. ,, R. Sambasiva Aiyar
48. ,, K. Sankaran
49. ,, M. Sivatanu Pillai
50. ,, A. Thanu Pillai
51. ,, S. Thiraviam Nadar
52. ,, P. K. Thomas
53. ,, N. E. Varughese
54. ,, V. K. Velappan Nair
55. ,, T. P. Velayudhan Pillai

NOES—10.

1. Mr. K. George
2. ,, Rao Sahib Dr. N. Kunjan Pillai
3. Mr. C. O. Madhavan
4. ,, R. Nilakanta Pillai
5. ,, N. K. Padmanabha Pillai
6. Mr. Joseph Panjikaran
7. Rao Bahadur N. Ramanuja Aiyangar
8. Mr. R. M. Statham
9. ,, T. C. Thommen
10. ,, G. F E. Truscott

NEUTRALS—Nil.

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DEPUTY PRESIDENT : The next amendment is, for Standing Order No. 12, substitute the following :—

"Questions which have not been disallowed shall be numbered and printed and copies thereof made available to every member as soon as may be. The numbers of the questions to be answered shall be included in the list of business for the day and printed copies of such questions and their answers shall be laid on the table half an hour before the sitting commences"

MR. JOSEPH PANJIKARAN (*Assistant Additional Head Sirkar Vakil*) : I oppose the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I also oppose the amendment. I wish to speak a few words in support of the opposition. The wording of the amendment consists of two parts. The first is that a printed list of all the questions should be circulated amongst all the members.

MR. M. SIVATANU PILLAI (*Tovala*) ; Who is opposing ? Is it Mr. Panjikaran or Mr. Kayalam Paramesvaran Pillai ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He has opposed and I am also opposing.

The second part provides that, when a question that has to be answered is brought forward, that question must be printed and placed on the table of the House at least half an hour before the sitting commences.

In regard to the first part, it seems to me that it can hardly serve any purpose. When a member gives notice of a question, he must know whether his question is admitted or not. And for that purpose, he is informed by the Secretary of the Assembly whether his question is admitted or not. And when a question is brought on for answering all members are given notice so that all can put supplementary questions. Apart from that, I do not see what purpose would be served by a copy of all the questions being sent to every member.

Then in regard to the second part of the amendment, when a question is supposed to be put on the floor of the House, why the answer should be furnished beforehand is not quite clear. In this respect, I may say that we are following the procedure in the Indian Legislative Assembly and also in the English House of Commons. In both those Chambers it is not the practice to send round a list of all the questions admitted. Nor is it the practice to place on the table of the House a printed copy of the questions, to be answered, along with the answers.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*) : Was it not the practice in the last Council ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; It was as it is proposed by the amendment. But then we were in the infant stage. We are growing and our ideal should be the method of procedure in the older Parliaments.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*) : Will it not save time ?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may perhaps save time. But we are progressing. When we were in the infant stage, we had the privilege of being supplied with printed answers.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What is the practice in the Provincial Legislatures?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They are printed and placed on the table beforehand.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): So are they backward?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They also may progress.

MR. M. SIVATANU PILLAI (*Tovala*): Will it not remove disability with reference to answers?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Can a question be put by a member of the House for the opinion of another member?

DEPUTY PRESIDENT: Certainly.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When such disability is felt, that may be remedied. There are various ways of doing that. But that does not mean that the House should go to the infant stage and continue to crawl. There is no reason to revert to the practice which we followed in our infant days. We should aim at Parliamentary efficiency.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What is the practice in Mysore?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not aware, but I know that in Madras they supply printed questions and answers.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Do they circulate the answers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, so far as I know.

I am asking, are we not making progress? In the initial stages, we required all such supports. But when we are acquiring Parliamentary efficiency, do we want to go backwards?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there anything to justify that this is a practice of the infant days and we will be crawling if we adopt this?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is my argument. I am instancing the example of the Indian Legislature and the Mother of Parliaments.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was it so in these institutions in their infant days?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know the history of the English Parliament on this matter. I shall be thankful if any member would enlighten me on that.

DEPUTY PRESIDENT: The right of questioning was only a late development in the House of Commons.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additionl Head Sirkar Vakil*): I know what is the procedure now. The question is put on the floor of the House and the Government member stands up and answers. Why should we go far behind that and say that questions and answers shall be placed beforehand on the table? To further elucidate the point, let us take an example. Lawyers are asking questions to witnesses in court and from the answers given by them supplementary *i. e.* further questions, are asked. Council is not informed beforehand what answers will be given. When a member sends a question, he should be prepared to ask supplementary questions. I am also glad to find here that members are always ready with supplementary questions and I would respectfully suggest that the House would stultify itself if they demand this practice, with a view to enable the members to put supplementary questions. I trust that that argument at any rate will not weigh with the members. If that does not weigh, I do not think any other argument can weigh. This is the argument which Mr. Asan advanced with reference to this So, I am saying, Sir, that there is no necessity for this innovation from the present practice. In the Indian Legislative Assembly, no innovation has been made over that practice. I would even suggest that it would be more manly to go by the present procedure.

MR. K. R. ELENKATH (*Kalkulam I*): I also rise to oppose the motion on the same ground on which Mr. Kayalam Paramesvaran Pillai has opposed. Mr. Paramesvaran Pillai has urged the reasons for the same. One of these or the main one is that it is not a sign of efficiency or development that we make by adopting this method and I do agree with him in the opinion that it is not in keeping with the progress of our Legislature which has grown beyond its infant stage. In days gone by, the practice of reading out papers was in vogue and it was no less a person than Mr. Watts who had very great respect for the Council that ruled it out. The object of that ruling was to enhance the prestige of the House. No doubt in Madras there is the practice of placing the answers on the table. That does neither mean that we should adopt that practice nor that we should look up to the Madras Council as our model. There is the British Parliament and the Indian Legislative Assembly which should be ideals to us rather than the Madras Provincial Council. On that ground, I oppose the motion.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I rise to a point of order. Under Section 17, it shall not be lawful for the Assembly to consider and enact any measure relating to or affecting the provisions of the Regulation and the Rules thereunder. Rule 14 (3) provides that the questions shall be put and answers given in such manner as the President may, in his discretion, determine.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): I draw your attention to standing Order No. 13.

DEPUTY PRESIDENT: Standing Order No. 13 reads as follows:—

> "Questions shall be put and answers given in such manner as the President may, in his discretion, determine."

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DEPUTY PRESIDENT: I find that the provisions in the Rules and the Standing Orders are the same in relation to this subject. Therefore there is no collision. If the Regulation or the Rules prevented, then it would have been out of order. Therefore we shall proceed with the item in the agenda.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With regard to the arguments advanced by the Law Member, it is enough if I submit one or two points for the consideration of the House. If this amendment is accepted it will save much of the time of the House which is very valuable. We are unable to get many questions answered because the officers have to read out the answers of those questions. If they were placed on our tables, it would have saved much time. That is my first point.

The second point is that, if relevant and useful supplementary questions are to be asked, it will be better that the answers are supplied some time before. We may admit that we are not prodigious and we cannot immediately ask so many appropriate questions. Efficiency may be lacking on both sides. Officers here are not so competent as the officers in the Government of India or the Parliament.

DEPUTY PRESIDENT: All that does not arise.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It was said that we are in the infant stage.

MR. K. R. ELENKATH (*Kalkulam I*): Does not the member think that this practice will help us to become better members?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): There are other fields to develop our powers. Here we must do our duty. We find that in the Madras, Bengal, Assam and other Provincial Legislative Councils, answers to questions are supplied half an hour or even an hour earlier. There it is not accused that it is a pre-historic custom and that, it is in need of amendment. So my submission is that, for efficiency in the matter of asking supplementary questions and saving the time of the House, this amendment is necessary.

The amendmeut was put to the vote of the House and carried.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I move that the amendment to the Standing Orders now considered be passed.

MR. JOSEPH PANJIKARAN (*Assistant Additional Head Sirkar Vakil*): I oppose the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): In Standing Order 4 (b) (2) it is stated thus:

"Unless the President in exersise of his powers ....."

I request the Chair that permission may be given to make this motion in view of the fact that there has been no substantial alteration in the report of the Select Committee only one clause has been left out and no new clause has been added.

DEPUTY PRESIDENT: Your suggestion is very reasonable and I do suspend the Standing Order and allow the amendments to be passed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I move that the amendments may be passed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

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MR. JOSEPH PANJIKARAN (*Assistant Additional Head Sirkar Vakil*) : I oppose it.

The motion was put to the vote of the House and passed.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Eleven hands were lifted on the official side.

DEPUTY PRESIDENT : That will be impossible. There are only ten official members.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : That was done here.

DEPUTY PRESIDENT : I am supposed to have taken notice of it ; and I did not notice it.

THE TRAVANCORE IMPROVEMENT VALUATION BILL.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*) :

സർ, ലാൻറ ഇംപ്രൂവ്മെൻറ വാല്യുഏഷൻ ബിൽ ഈ സഭ മുൻപാകെ ഞാൻ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : I second it.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Sir, I move that the business of the House be suspended and we pass on to the next item in order in the agenda under Standing Order 27.

DEPUTY PRESIDENT : You mean that the consideration of the motion asking for leave to introduce should be postponed ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : The next business is Resolutions. My motion is to postpone the second item, that is legislative item and the Assembly do pass on to the next item in the agenda *i. e.*, Resolutions.

MR. K. R. ELENKATH (*Kalkulam I*) : I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : But Mr. Raman Pillai's motion has been moved and seconded.

DEPUTY PRESIDENT : Mr. Raman Pillai has moved his motion and one gentleman has also seconded it. Now the motion is that we pass on to the Resolutions. That can be done only if the Chair permits. This also is a business of some importance and I do not see any special reason why the suggestion made should be accepted by the Chair I can very well appreciate the desire of some of the members of the House to pass on to the Resolutions. But without giving up the other items, we can still proceed to the Resolutions because the motion is only, for the introduction of the Bill In the motion asking for leave to introduce a Bill, many speeches and lengthy arguments may not be necessary at this stage. So that, it is within the power of the House itself without prejudicing the interest of legislation on this important subject to pass on to the Resolutions in time. So I do not allow Mr. Narayana Pillai's motion.

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